

## **REMARKS**

Applicants reply, **after entry of the RCE**, to the Advisory Action dated May 19, 2011 and further reply to the Final Office Action dated March 4, 2011. Claims 29-54 are pending in the application and the Examiner rejects claims 29-54. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants respectfully request reconsideration of this application.

### **Rejections under 35 U.S.C § 103**

The Examiner rejects claims 29-54 under 35 U.S.C. § 103(a), as being unpatentable over Smith et al., US Patent No. 6,611,686, (“Smith”), in view of Biorge, U.S. Patent No. 5,806,045 (“Biorge”). Applicants respectfully disagree with these rejections, but Applicants amend certain claims without prejudice or disclaimer in order to clarify the patentable aspects of certain claims and to expedite prosecution.

The Advisory Action states in continuation of 11 that the “Examiner asserts that Biorge discloses that the incentive plan associated with the device is ascertained and the user is incentivized to provide information to the system (i.e. customer chooses to participate in the plan and further identification data; column 6, lines 1-48). Therefore, it is evident that the incentive system of Biorge discloses providing an incentive to send information, as claimed by Applicant.” However, the current claims are clarified to variously recite “provide an incentive to a remote distributed device to provide capabilities of the remote distributed device to the server system,” (emphasis added). Providing capabilities of the remote distributed device to the server system is not analogous to nor is it disclosed in column 6, lines 1-48 of Biorge (reproduced for Examiner’s convenience below)

Once the applicable plan is ascertained, the incentive rate is derived and applied to the transaction amount to compute the incentive credit amount. Note that computing the incentive credit amount in accordance with the process above allows each party to set forth its own individualized terms. That is, each provider may have its own customized schedule of incentive plans, and each customer may choose to participate in a specific plan. By allowing multiple parties to participate in the computation process, the specific terms set forth by each party can be taken into account.

As a further example, the incentive credit amount may be computed in a slightly

different manner. Instead of using codes to derive an incentive rate, the codes themselves may be incentive rates. For example, the incentive code from the base device may represent an incentive given by the manufacturer of the television set, the incentive program code in the provider device may represent the incentive offered by the provider, and the customer incentive code in the customer device may represent an additional incentive to which the customer is entitled. The customer incentive code may also indicate what portion of the earned incentive credits should be contributed to a charity. Summing up all of these codes, along with codes from additional participating providers (optional), gives the total incentive rate applicable to the transaction amount. The incentive credit amount is computed using this incentive rate. This and other methods may be used for computing the incentive credit amount. The important point is that the incentive credit amount is preferably computed in a process which allows for multiple-party participation. Once the incentive credit amount is calculated, it is sent to the customer device to update 26 an incentive credit total stored in the customer device. The incentive credit total represents the number of incentive credits the customer has earned in the incentive program. The incentive credit total is updated by adding the incentive credit amount to the total. Thereafter, information relating to the transaction is stored 28 in each of the devices. In the customer device, information such as the transaction amount, the incentive credit amount, the name of the provider, and the product or service purchased is recorded to maintain a journal of all transactions made using the customer device. Similar information is stored in the provider device. In the base device, complete information relating to the transaction, including the identifications of the customer and the provider, the transaction amount, the incentive credits earned, the good or service purchased, and the customer's demographics are stored.

The incentive code transmitted in Biorge is not provided to a remote device to “provid(e) capabilities of the remote distributed device to the server system” where “the capabilities of the remote distributed device comprise at least one of sensing environmental data or location data via at least one sensor coupled to the remote distributed device,” as recited by independent claim 29 (as amended, (emphasis added) and as similarly recited by independent claims 37, 43, 49, and 54.

Moreover, discussing Smith, the Examiner states on page 7 of the Office Action “However, the reference fails to disclose provide an incentive to one or more remote distributed devices to provide environmental data and location data received from at least one sensor coupled the one or more remote distributed devices, wherein the incentive is based at least in part on a type of at least one sensor; and receiving data from one or more of the distributed devices that have accepted the incentive.” (sic) Since Smith is silent as to “provid(ing) and incentive to one or more remote distributed devices to provide environmental data and location data,” as

conceded by the Examiner, it is incapable of disclosing “receiv(ing) at least one of the environmental data or the location data from the remote distributed device in response to acceptance of the incentive” as recited by independent claim 29 (as amended, emphasis added) and as similarly recited by independent claims 37, 43, 49, and 54. Biorge is similarly silent as to “receive at least one of the environmental data or the location data from the remote distributed device in response to acceptance of the incentive.”

As such, the cited references alone or in combination do not disclose or contemplate “provide an incentive to a remote distributed device to provide capabilities of the remote distributed device to the server system” **and** “receive at least one of the environmental data or the location data from the remote distributed device in response to acceptance of the incentive,” as recited by independent claim 29 (as amended, emphasis added) and as similarly recited by independent claims 37, 43, 49, and 54. Accordingly, for at least these reasons **and** the reasons advanced in the Reply dated April 26, 2011, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 29, 37, 43, 49, and 54.

Dependent claims 30-36, 38-42, 44-48, and 50-53 variously depend from independent claims 29, 37, 43, 49, and 54. Therefore, Applicants assert that dependent claims 30-36, 38-42, 44-48, and 50-53 are patentable for at least the same reasons stated above for differentiating independent claims 29, 37, 43, 49, and 54, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 30-36, 38-42, 44-48, and 50-53.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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